

Regular Session, September 20, 2010, 7:00 p.m.
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Monday, September 20, 2010 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Glenn Barger, Dan A. Hunsucker, and Barbara G. Beatty.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Chair Barnes led the Pledge of Allegiance to the Flag.
3. Vice-Chair Lynn M. Lail offered the invocation.
4. Commissioner Dan Hunsucker made a motion to approve the minutes of the Regular Meeting of September 7, 2010. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed all present and specifically recognized Sheriff David Huffman and Commissioner Candidate Randy Isenhour, noting she and Vice-Chair Lail were also candidates. She also recognized students from Bandys High School who were attending as part of their AP Government Class.
6. Public Comments for Items not on the Agenda: None.
7. Presentations:
 - a. The full Board came to the podium and presented a Distinguished Public Service Award to Catawba County Schools Superintendent, Dr. Tim Markley, who is leaving Catawba County to

become Superintendent of the New Hanover County School System. The award commended Dr. Markley's sustained dedication to children, educators and the betterment of public education. Dr. Markley expressed his thanks and appreciation of the Board's support of his efforts and its commitment to education in Catawba County.

b. Commissioner Hunsucker presented Fire and Rescue Manager Mark Pettit with a proclamation declaring October 3-9, 2010 as Fire Prevention Week. The proclamation reminded the public of the importance of smoke alarm installation and maintenance to help keep homes and families safe. Mark thanked the Board for their continued support of Emergency Services and its efforts.

8. Public Hearing:

Mark Logan, Tax Administrator, came forward and requested the Board hold a public hearing on the proposed Schedule of Values, Standards, and Rules for Catawba County's 2011 revaluation, as prescribed by North Carolina General Statute 105-317. Pursuant to a resolution adopted by the Board of Commissioners on September 4, 2007, Catawba County's next countywide revaluation will become effective on January 1, 2011. Catawba County has approximately 87,000 separate parcels of land which are required by North Carolina law to be appraised at 100% of market value, as of the effective revaluation date. To that end, Catawba County staff has worked for many months analyzing data derived from real estate sales, building cost data, and income and expense statements from income producing properties in the county. This has resulted in the creation of the proposed Schedule of Values, Standards and Rules, which will be utilized, after it is adopted by the Board of Commissioners, to generate market value appraisals for all real property in Catawba County. Individuals who buy and sell real estate in the open market establish the market value. Market value is not set by the Catawba County Tax Department.

Also included in the proposed Schedule of Values is a special schedule for appraising eligible agricultural, horticultural, and forest land at its "present use" value. This is a statewide schedule formulated by the North Carolina Department of Revenue. Properties whose owners qualify for "present use" assessment will receive two values: a market value mandated by law and a "present use" value.

Adoption of the proposed Schedule of Values is an important step in the revaluation process. Because of its importance, the Machinery Act of North Carolina requires the Board of Commissioners to only adopt it after holding a public hearing and then publicizing that it has done so. After the Schedule is adopted, property owners will have 30 days to challenge the Schedule of Values by appeal to the North Carolina State Property Tax Commission. In accordance with North Carolina General Statute 105-317(c), the proposed Schedule of Values was formally presented to the Board at its September 7, 2010 meeting. The Board notified the public on September 8, 2010, through newspapers of general circulation, that it had received the proposed Schedule of Values, that the Schedule is open for inspection at the Tax Assessor's office on the first floor of the Catawba County Government Center at 100-A Southwest Boulevard in Newton, and that a public hearing would be held at this September 20, 2010, meeting.

Staff has recommended that a vote for formal adoption of the Schedule of Values occur at the Board's Monday, October 4, 2010 meeting, at 9:30 a.m., in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse at 30 North College Avenue in Newton, NC. Afterwards, a newspaper notice must be published stating that the Schedule of Values has been adopted and that property owners have 30 days from the date of the first publication to challenge the Schedule of Values by appeal to the North Carolina State Property Tax Commission on grounds that the Schedule of Values does not adhere to the appropriate statutory valuation standard (that it will produce values that are too high, too low, or inconsistent). The North Carolina State Property Tax Commission has the power to order the Board of Commissioners to revise the Schedule of Values if they do not adhere to the statutory valuation standard. The North Carolina State Property Tax Commission's decision may be appealed to the North Carolina Court of Appeals. Assuming an October 4, 2010 adoption, property owners will have until Wednesday, November 3, 2010 to challenge the Schedule of Values.

Chair Barnes opened the public hearing, noting it had been duly advertised. Bob Nells came forward and requested a clarification on the market value vs. present use value on agricultural land. Mark Logan explained the process, pointing out that application is made by the owner of the property and valuations are based on soil types and other factors. Mr. Nells urged the Board to not increase taxes in the time of a recession. Lisa Bumgarner came forward to state she was concerned about another increase in taxes and wanted less government. She also addressed the restrictions of the present use value of farmland and its application on acreage only over 10 acres and stated this hurt the smaller farmers. After no other citizens came forward to speak, Chair Barnes closed the public hearing and stated that Catawba County had decreased its size of government in the past three years and Vice-Chair Lail clarified that the revaluation process was not setting a tax rate. Vice-Chair Lail also requested the tax department to develop a map which would show the amount of property tax dollars generated from each area of the County.

9. Appointments.

Vice-Chair Lynn Lail recommended the reappointment of Peggy Woods for a fourth term on the Nursing and Rest Home Advisory Board. Ms. Woods' term will expire October 21, 2013. Commissioner Barbara G. Beatty recommended the appointment of John Marino for a first term on the Lake Norman Marine Commission. Mr. Marino's term will expire September 30, 2015. These recommendations came in the form of a motion and the motion carried unanimously.

10. Departmental Reports.

A. Sheriff's Office:

Purchasing Manager Debbie Anderson presented a request for the Board to authorize the sole source exception in order to purchase 94 Motorola 800 MHz portable radios for the Sheriff's Office. Catawba County is phasing in an interoperable 800 Megahertz (MHz) public safety communications network by capitalizing on partnerships with other local jurisdictions and the North Carolina State Highway Patrol. The Highway Patrol's VIPER network was built for public safety interoperability across the state. The Sheriff's Office was recently awarded a Governor's Crime Commission Grant to purchase 800 MHz portable radios. The grant award is for \$243,248, with a 50/50 match, and will allow for the purchase of 94 portable radios and accessories.

Only two manufacturers of 800 MHz Viper radios are approved by the State of North Carolina—Motorola and E.J. Johnson. There are certain features available on the Motorola radio that are not provided on the E.J. Johnson units and are desired by the Sheriff Office staff. These include: (1) channel announcement, which allows emergency personnel to change channels on their radio in the dark. A voice announcement function in the radio will tell the user which channel they are on. This eliminates the need for pulling the radio out of a pocket and looking at a screen to see what channel the officer is on; (2) 4-way navigation and soft function keys, which allow users quick access to additional radio functions; (3) an Emergency Keep Alive and Voice Follow feature, which ensures emergency communications even if the radio power is switched off; and (4) IMPRES battery technology, which keeps the radio system charged and ready to go whenever it is needed.

A partnership of all fire departments and rescue squads in the county with Catawba County Emergency Services resulted in a grant award earlier in 2010 from the Federal Emergency Management Agency that will provide 356 portable radios to be distributed among those partners. County staff negotiated with Motorola and received a significant discount off the State contract price for those radios. Motorola has agreed to extend the same discount for the purchase of the 94 portable radios for the Sheriff's Office. North Carolina General Statute 143-129 allows an exception from formal bidding for purchase contracts when performance or price competition for a product are not available; when a needed product is available from only one source of supply; or when standardization or compatibility is the overriding consideration. This exception required the Board's approval and a record of purchases made must be maintained.

Commissioner Hunsucker made a motion to approve the sole source exception. The motion carried unanimously.

B. Technology:

Chief Information Officer Terry Bledsoe presented an update on the conversion of the routing protocols used in the County's 911 Communications Center from analog to internet based, which will move the County closer to the use of "Next Generation" 911 technology that will provide a number of benefits to citizens and rescue personnel. This will allow for improved transfer of data back and forth among different entities. One potential use involves vehicle communications systems such as OnStar. With Next Generation 911 technology, the data collected by these systems could be sent directly to the 911 Center and then to first responders. Citizens would be able to send text messages, pictures or video from mobile phones to the 911 Center, which could be helpful to fire and rescue personnel as they are traveling to the scene of an incident. Next Generation 911 technology will also allow for more efficient use of audio and video conferencing in the 911 Center. This could be useful for hearing or speech impaired citizens, who would be able to use video conferencing technology to communicate with the 911 Center visually by the use of American Sign Language, handwritten signs or gestures. Commissioner Beatty asked about the availability of broadband in the County and Mr. Bledsoe indicated it was not available to homes yet. She inquired if there were grants that would assist in building this infrastructure for the County and Mr. Bledsoe stated that because we have a fund balance, we were ineligible for such grants. This item was informational and required no Board action.

11. Other Items of Business:

A. County Manager Lundy presented a request for the Board to enter into a revised Funds Administration Agreement with the Western Piedmont Regional Transit Authority (WPTRA) for the administration of Rural Operating Assistance Program (ROAP) funding and authorize the County Manager to execute the revised agreement. Historically, the Western Piedmont Regional Transit Authority has administered Catawba County's allocation of ROAP funds and has managed these pass-through funds in accordance with the specific ROAP program guidelines. However, the County is still the direct recipient of the ROAP funds and is held responsible for compliance in all areas. Therefore, as part of the ROAP grant application, all counties that sub-allocate ROAP funds to an entity, other than an internal county department, are required to have a formal agreement with the entity to help ensure proper management, oversight and control.

The revised agreement outlines the specific activities that the WPRTA is already providing, as well as what Catawba County is already doing. However, the revised agreement to be executed by all WPRTA member counties will allow the transfer of funds between counties in the regional system. This is allowable under the ROAP program guidelines and will ensure that all transit funds available in the four-county region are maximized for best use. If a county transfers ROAP funds from their county to another county, there should be "replacement" funds of a different, more compatible type transferred back into the "donor" county to serve any unmet passenger demand in that county.

Commissioner Hunsucker made a motion to enter into the revised Funds Administration Agreement and authorize County Manager Lundy to execute the agreement. The motion carried unanimously. The following agreement applies.

**Western Piedmont Regional Transit Authority
Catawba County
Rural Operating Assistance Program
Funds Administration Agreement**

Overview and Background

Each year, the North Carolina Department of Transportation – Public Transportation Division (NCDOT-PTD) makes available to all counties in North Carolina, Rural Operating Assistance Program (ROAP) grant funding. Within the ROAP program, there are three separate funds – Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public (RGP) and Employment Assistance Program (EMP) as well as additional supplemental funding available with

each of these three funds. While the counties are the direct recipients of ROAP funds, NCDOT-PTD allows the funds to be transferred between and/or among member counties of a regional transportation system.

In 2008, through the execution of an Interlocal Agreement, the counties of Alexander, Burke, Caldwell, and Catawba and the cities of Hickory, Newton and Conover (also called member agencies) established Western Piedmont Regional Transit Authority (WPRTA) to provide a range of transportation services to area citizens. As a part of the Interlocal Agreement, each member agency agreed to pass through to WPRTA, all current and subsequent state and federal funding designated for the purpose of providing community transportation including but not limited to all funds from the North Carolina Department of Transportation – Public Transportation Division, (such as the ROAP funding) received by the member agency to the Authority for its use in providing transportation services.

Requirement

NCDOT-PTD now requires a written agreement that addresses the proper use and accountability of ROAP funds in any situation where the county is disbursing the ROAP funds to a non-county department or entity. Because the counties of Alexander, Burke, Caldwell and Catawba are the actual and direct recipients of all ROAP funds, and WPRTA is the indirect sub-recipient (non-county department), a written agreement of process and accountability is needed. To follow is an outline of ROAP responsibilities, processes, and procedures as agreed upon by Catawba County and WPRTA.

Now, Therefore, in consideration of the mutual covenants set forth herein, the parties agree to the terms and conditions as follows:

A. County Responsibilities, Processes and Procedures

Catawba County agrees to the following:

1. To allow WPRTA to complete and submit all ROAP grant applications for the full allocation amounts on behalf of the county.
2. To hold required public hearings in regards to the grant application on a timely basis, with publication costs to be paid by WPRTA.
3. To review and approve the grant application and submit a completed grant resolution to WPRTA for inclusion with the application package within such timeframes as to meet grant application deadlines.
4. Unless otherwise agreed upon, to disburse electronically to the WPRTA all ROAP funds received by the county within 10 business days of receipt of the funds.
5. To review ROAP reporting information supplied by WPRTA.
6. To allow WPRTA to complete the annual report and other required reports.
7. To review ROAP reports as presented by WPRTA and have the Finance Officer of the county sign the report.
8. To be responsible for maintaining all documentation required for state reporting or auditing in regards to any ROAP funds retained by the county and not disbursed to WPRTA.
9. To allow the transfer of county unused ROAP funds to other member counties of the Authority to enable the Authority to offer a full complement of services in the region.
10. To provide notice to WPRTA by February 1 in the event the county decides not to participate in the ROAP funding program for the next fiscal year so WPRTA will be able to make accurate budget plans and will not begin the application process for said county. Unless otherwise notified, this Agreement will remain in effect as automatically renewed from year to year.

B. WPRTA Responsibilities, Processes and Procedures

WPRTA agrees to the following:

1. To prepare and submit the ROAP application for Catawba County on a timely basis, applying for the maximum allocation for each category in each county.
2. To place all ROAP funds received from the county in an interest bearing account and to further agree that all interest earned on the funds will be used within the ROAP programs.
3. To require applications to be completed by EDTAP clients to ensure that the clients meet eligibility requirements (60 years or age or older or disabled).
4. To verify (using GIS software) that RGP funded trips requested by passengers will either begin or end in a non-urbanized area as required in the ROAP guidelines.
5. To ask RGP passengers if there is "human service funding or other similar funding" available for the trip they are requesting, before funding the trip with RGP monies. This is to help eliminate trip shedding by human service agencies as advised by ROAP standards.
6. To place trips provided using any ROAP funds into WPRTA's trip scheduling software so that trip verification and tracking can take place.
7. To "book" trips to the appropriate fund source – either EDTAP, EMP, RGP or supplemental programs for the three funds at the time the trip is scheduled.
8. To use a fully allocated cost model to determine the shared per mile or per hour cost of each ROAP trip.
9. To charge a fare to the passenger for each trip taken, with the fare rate structure being pre-approved by the board of WPRTA.
10. To reconcile and account for all fares according to the funding source used.
11. To use all fares generated by RGP funded trips for local match of the funds, or to provide additional RGP trips.
12. To use all fares generated by EMPLOYMENT (EMP) or EDTAP funded trips to provide additional respective EMP or EDTAP trips.
13. To create at the end of each month, an internal report using the computer trip scheduling/tracking software that will provide a detail of each ROAP trip taken within each county, including the passenger's name, address and the individual cost of the trip.
14. To make available for review and monitoring by county staff all ROAP trip and general information at any time upon request.
15. To keep all ROAP trip reports or other ROAP information for a minimum of five years to meet state program monitoring and auditing guidelines.
16. To be responsible for maintaining all documentation required for state reporting or auditing in regards to the ROAP funds passed through to WPRTA.
17. To request from any county department information regarding expenditures and use of any ROAP funds retained by the county as necessary for completion of required reports.
18. To prepare the annual required ROAP reports and submit to the county finance officer for review and approval on a timely basis.
19. To enact transfers of ROAP funds between counties when appropriate, so as to ensure that optimum service levels are being provided in all counties. The Authority agrees to provide a 30-day notice of proposed transfer to the County whose funds are proposed for a redistribution prior to any such redistribution.
20. To provide no less than quarterly reports regarding distribution of funds to each participating entity.
21. To remedy any loss of ROAP funds within a county resulting from a county to county transfer by making available alternative equal funds for replacement if demand of service warrants such action.
22. To submit to Catawba County, any final funds not expended in the Region so the funds can be refunded to the state by the county as required.
23. To ensure that all ROAP funds passed to WPRTA are accounted for and presented in WPRTA's A-133 audit.
24. To comply with any other state program implementation requirements and accountability guidelines not specifically listed in this agreement.

Upon notice of termination being given by either party by February 1, notwithstanding the giving of such notice, the duties and obligations of the parties shall continue in full force and effect through the end of the applicable budget year at which time the services will cease in that particular county

as to the ROAP Program unless the parties otherwise agree to a temporary extension on an “as-needed” basis. Each party agrees to fully cooperate with the other to ensure that all of the documentation and paper work as is required by the North Carolina Department of Transportation and any other agency is properly completed and filed for the budget year so that complete payment is received and the program is closed out in a timely manner.

This agreement is entered into this the _____ day of _____, 2010 by:

Catawba County Manager

J. Thomas Lundy

B. All Board members gathered at the podium to honor County Commissioner Glenn Barger who had resigned from the Board, effective September 30, 2010, in order to become Interim Superintendent for the Catawba County Schools System, effective October 1, 2010.

The Board presented Commissioner Barger with a Distinguished Public Service Award which expressed its deep gratitude and sincere appreciation for his dedicated and distinguished service to Catawba County. In tribute to his years of public service, and his compassion and concern for his fellow citizens, an Okame cherry tree will be planted on the Government Center grounds in his honor and an engraved brass paperweight accompanied the award to remind him always that his dedicated public service has made Catawba County a better place to live.

Each Commissioner expressed their appreciation for Commissioners Barger’s commitment and input to the Board of Commissioners.

Commissioner Barger told the Board that the last eight years have been a learning experience for him and that he has truly enjoyed serving the people of Catawba County. He added that the last eight years have been challenging, working hard to maintain the quality of life in Catawba County and, through the dedicated service of this Board of Commissioners, that has been the utmost goal and the Board has succeeded in doing that. Commissioner Barger closed by saying, “I know that you will follow this same mission, to continue to improve the quality of life in Catawba County. I can’t tell you how proud I am to be a resident of this county, and to have people like you leading this county in the future.”

12. Attorneys’ Report: None

13. Manager’s Report:

Commissioner Beatty requested, in response to the comments made at the public hearing, that Mr. Lundy outline what the County had been doing to reduce costs in the last three years. Mr. Lundy stated that in each of the last three years there had been a reduction in staffing – driven by reductions in sales tax revenues and 80 staff members had been cut due to reductions in the State budget. Travel had been cut and webinars were being utilized for conferences. The County was taking advantage of lower construction costs and had reduced energy usage. Commissioner Hunsucker pointed out that when staff and Board members did attend conferences, their intent was to come away with new tools and information that would help the County and the NACo prescription card program was used as an example, which has saved citizens over \$2 million thus far.

14. The meeting adjourned at 8:10 p.m.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk